

<p>IN THE MATTER OF</p> <p>KAREN LYNN BASINGER, L.D.N.</p> <p style="padding-left: 40px;">Respondent</p> <p>License Number: N00032</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>BEFORE THE</p> <p>MARYLAND BOARD OF</p> <p>DIETETIC PRACTICE</p> <p>Case Number: 2012-001</p>
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CONSENT ORDER

On January 17, 2013, the Maryland Board of Dietetic Practice (the “Board”), charged **Karen Lynn Basinger, L.D.N.** (the “Respondent”), License Number N00032, with violating the Maryland Licensed Dietitian-Nutritionists Act (the “Act”), Md. Health Occ. Code Ann. (“Health Occ.”) §§ 5-101 et seq. (2009 Repl. Vol.).

Specifically, the Board charged the Respondent with violation of the following provisions of the Act under § 5-311:

Subject to the hearing provisions of § 5-312 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if the applicant or licensee:

- (3) Violates any provision of this title or any regulations adopted under this title;
- (5) Commits fraud or deceit in the practice of dietetics; [and]
- (10) Commits any act of unprofessional conduct, as defined by the rules and regulations of the Board, or violates the code of ethics adopted by the Board[.]

The Board charged the Respondent with violating the following provisions of Code Md. Regs. (“COMAR”) tit. 10 § 56.03.03, which provide the following:

- B. The licensee shall function with discretion and integrity in relationships with other licensees of the Board and other health professionals.
- C. The licensee shall practice dietetics or nutrition with honesty, integrity,

self-respect, and fairness.

D. The licensee may not:

- (1) Knowingly participate in or condone behavior which is dishonest, fraudulent, or deceitful[.]

E. A licensee shall:

* * *

- (16) Accurately present professional qualifications and credentials including educational, experience, and certification affiliations;
- (17) Attempt to correct others who misrepresent the licensee's qualifications or affiliation.

On February 21, 2013, a Case Resolution Conference was held before a panel of the Board. As a result, the Respondent agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

1. At all times relevant to these charges, the Respondent was and is a dietitian nutritionist licensed to practice in the State of Maryland.
2. The Respondent was initially licensed to practice dietetics in the State of Maryland on September 8, 1988. The Respondent's current license is set to expire on October 31, 2014.
3. At the time of the acts described herein, the Respondent was practicing dietetics at Corporation A,¹ the dialysis division of a national healthcare corporation. The Respondent was employed at Corporation A's Wheaton, Maryland location to provide services to Hemodialysis and/or Peritoneal Dialysis patients and authorized caregivers

¹ The names of the individuals and entities set forth herein are confidential.

in clinical settings to support and maximize the nutritional well-being and education of the patients.

4. On or about April 13, 2012, the Board received a complaint from the Chair of the Ethics Committee of the Academy of Nutrition and Dietetics (“the Academy”) along with supporting documentation. The Complaint alleged that the Academy had been notified by the Commission on Dietetic Registration (“CDR”) of the Respondent’s fraudulent use of the “R.D.” credential . As a result of the information provided by CDR, the Academy terminated the Respondent’s membership in the Academy and established the Respondent’s ineligibility to seek the “R.D.” credential from CDR even if Respondent secured a verification statement in the future noting her eligibility to sit for the credentialing examination.

5. According to the complaint, the Academy’s actions were based on a determination that the Respondent had violated the Academy’s Code of Ethics by submitting a fraudulent credential verification certificate to Corporation A and misrepresenting herself as an “R.D.” Specifically, the Academy found that the Respondent violated Principal #1 (the dietetics practitioner conducts himself/herself with honesty, integrity and fairness), #17 (the dietetics practitioner accurately presents professional qualifications and credentials), and #17a (the dietetics practitioner, in seeking, maintaining and using credentials provided by the [CDR], provides accurate information and complies with all requirements imposed by CDR. The dietetics practitioner uses CDR awarded credentials (“RD or DTR or CS or FADA”) only when the credential is current and authorized by CDR.)

6. As a result of the complaint filed by the Academy, the Board opened an investigation. The Board's investigative findings are set forth below.

October 20, 2011 Credential Verification Certificate

7. On or about October 20, 2011, the Respondent submitted via electronic mail a copy of a credential verification certificate dated October 20, 2011, to Employee A, her supervisor at Corporation A. The certificate was requested as part of a routine audit conducted by Corporation A. The certificate purported to verify that the Respondent was a registered dietitian in good standing credentialed by the CDR beginning April 1, 1992, through the period ending August 31, 2012.

8. Employee A forwarded the verification certificate described above to a compliance and audit specialist employed with Corporation A to determine its accuracy. Corporation A forwarded the credential verification certificate to the American Dietetic Association ("ADA") to verify the Respondent's credentials. ADA verified that although the Respondent was a member of the ADA, the Respondent was not at the time and never had been credentialed by the CDR as an "R.D." as purported in the credential verification certificate that she submitted to Corporation A.

9. By certified letter dated November 17, 2011, the ADA notified the Respondent that she must immediately cease and desist from using the designation "Registered Dietitian" or "R.D." and provide written acknowledgement that she would not use such designations. The letter informed the Respondent that the ADA's actions were based on its finding that the credential verification certificate that the Respondent submitted to Corporation A dated October 20, 2011, was a forged instrument designed to defraud the reader into believing that the Respondent was a registered dietitian.

10. The November 17, 2011 letter further stated that the ADA's preliminary investigation showed that the Respondent had misrepresented herself on numerous occasions over a ten year period, including representing herself as an R.D. in various publications and at educational programs for the National Institute of Health ("NIH"), Health Care Financing Administration ("HCFA") town hall meetings, ADA programs, and on a website profile for the Renal Dietitians Practice Group. The ADA forwarded the documentation evidencing the Respondent's misrepresentation of herself as an "R.D." to the Board. The documentation included the following:

- a. A printout from the ADA Renal Practice Group website dated November 15, 2011 listing the Respondent as an "R.D.";
- b. A copy of the 2009 – 2010 Annual Report of the Renal Dietitians Dietetic Practice Group listing the Respondent as an "R.D." under the Legislative/Reimbursement heading;
- c. A printout from the ADA Evidence Analysis Library webpage dated November 15, 2011 listing the Respondent as an "R.D." as part of the Chronic Kidney Disease Evidence Analysis Team;
- d. A printout from the ADA's website dated November 15, 2011, containing the Respondent's statement at a HCFA town hall meeting held in Baltimore, Maryland on August 31, 1999 beginning as follows, "[g]ood morning. My name is [the Respondent]. I am a registered dietitian with over 16 years of experience";
- e. A copy of the National Kidney Disease Educational Program, National Institute of Diabetes and Digestive and Kidney Diseases, NIH, Coordinating Panel Meeting dated October 22, 2007 listing the Respondent as an "R.D."

11. By letter dated May 22, 2012, the Board notified the Respondent of the complaint filed against her and requested a response in writing within thirty (30) days of receipt of the letter.

12. On or about June 22, 2012, the Respondent submitted a written response to the Board concerning the above-referenced allegations. In her written response, the Respondent acknowledged giving the credential verification certificate to her supervisor at Corporation A, but indicated that she was provided with the forged document by Corporation A and forced to provide it to her supervisor under threats.

13. On or about August 8, 2012, the Respondent was interviewed under oath by the Board's investigator. In her investigative interview, the Respondent stated that she was provided the credential verification certificate by the personnel office at Corporation A and informed to forward it to her supervisor. According to the Respondent, she informed the personnel office that she was uncomfortable forwarding the document to her supervisor. The Respondent was unable to explain why the document was provided to her by Corporation A to give to her supervisor.

14. The Respondent's submission of a fraudulent credential verification certificate to Corporation A constitutes committing fraud or deceit in the practice of dietetics, in violation of Health Occ. § 5-311(5); a violation of any provision of this title or any regulations adopted under this title, in violation of Health Occ. § 5-311(3) and constitutes commission of any act of unprofessional conduct, as defined by the rules and regulations of the Board, or violates the code of ethics adopted by the Board, in violation of Health Occ. § 5-311(10), to wit, COMAR 10.56.03.03B (the licensee shall function with discretion and integrity in relationships with other licensees of the Board and other health professionals), COMAR 10.56.03.03C (the licensee shall practice dietetics or nutrition with honesty, integrity, self-respect, and fairness), COMAR 10.56.03.03D(1) (the Respondent may not knowingly participate in or condone behavior

which is dishonest, fraudulent, or deceitful), COMAR 10.56.03.03E(16) (a licensee shall accurately present professional qualifications and credentials including educational, experience, and certification affiliations), and COMAR 10.56.03.03E(17) (a licensee shall attempt to correct others who misrepresent the licensee's qualifications or affiliation).

15. The Respondent's use of the term "R.D." and her failure to attempt to correct others who misrepresented her professional qualifications using the term "R.D." constitute committing fraud or deceit in the practice of dietetics, in violation of Health Occ. § 5-311(5); a violation of any provision of this title or any regulations adopted under this title, in violation of Health Occ. § 5-311(3) and constitute commission of any act of unprofessional conduct, as defined by the rules and regulations of the Board, or violates the code of ethics adopted by the Board, in violation of Health Occ. § 5-311(10), to wit, COMAR 10.56.03.03B (the licensee shall function with discretion and integrity in relationships with other licensees of the Board and other health professionals), COMAR 10.56.03.03C (the licensee shall practice dietetics or nutrition with honesty, integrity, self-respect, and fairness), COMAR 10.56.03.03D(1) (the Respondent may not knowingly participate in or condone behavior which is dishonest, fraudulent, or deceitful), COMAR 10.56.03.03E(16) (a licensee shall accurately present professional qualifications and credentials including educational, experience, and certification affiliations), and COMAR 10.56.03.03E(17) (a licensee shall attempt to correct others who misrepresent the licensee's qualifications or affiliation).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's conduct, as set forth above, constitutes a violation of Md. Health Occ. Code Ann. § 5-311(3), (5), (10), or COMAR 10.56.03.03B, C, D, and E.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21st day of March, 2013, by a majority of the Board considering this case:

ORDERED that the Respondent's license to practice dietetics in the State of Maryland shall be **SUSPENDED** for a period of **six (6) months** with all **six (6) months STAYED**, subject to the following:

- (a) The Respondent shall pay an administrative monetary penalty in the amount of **\$2,500.00** within **six (6) months** from the date that the Board executes this Consent Order. If the Respondent fails to pay, in whole or in part, the administrative monetary penalty after six (6) months, the Respondent's stayed suspension shall revert to an active suspension and will continue until the Respondent pays the penalty in full; and it is further

ORDERED that the Respondent shall be placed on **PROBATION** for a period of **TWO (2) YEARS**, to begin on the date the Board executes this Consent Order, subject to the following terms and conditions:

- (a) Within **one (1) year** of the date the Board executes the Consent Order, the Respondent shall successfully complete, at her own expense, a Board-approved course in professional ethics. The Respondent shall submit to the Board written documentation regarding the particular course she proposes to fulfill this condition. The Board reserves the right to require the Respondent to provide further information regarding the course she proposes, and further reserves the right to reject her proposed course and require submission of an alternative proposal. The Board will approve a course only if it deems the curriculum and the duration of the course adequate to fulfill the need. The Respondent shall be responsible for submitting written documentation to the Board of her successful completion of this course. The Respondent agrees

that she may not use this course work to fulfill any requirements mandated for continuing licensure; and be it further


ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying material facts, or an opportunity for a show cause hearing before the Board otherwise, may impose any other disciplinary sanctions that the Board may have imposed in this case, including additional probationary terms and conditions, reprimand, suspension, revocation and/or monetary penalty; and it is further

ORDERED that the Respondent shall comply with and practice within all statutes and regulations governing the practice of dietetics in the State of Maryland; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of the Consent Order; and it is further

ORDERED that this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't § 10-611 *et seq.* (2009 Repl. Vol.).

3/21/13
Date _____



Melanie A. Brooks, R.D., L.D.N.
Board Chair
Maryland Board of Dietetic Practice

CONSENT

I, Karen Lynn Basinger, L.D.N., acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this

Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

Mar 13, 2013
Date

Karen Lynn Basinger, MEd, L.D.N.
Karen Lynn Basinger, L.D.N.

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Anne Arundel.

I HEREBY CERTIFY that on this 13th day of March, 2013, before me, a Notary Public of the foregoing State and City/County personally appear Karen Lynn Basinger, L.D.N., License Number N00032, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.



Caryn G. Milford

Notary Public

My commission expires: *2/19/15*